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FILED
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
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2004 JUN -9 P 12: 53

* * * * *
UNITED STATES OF AMERICA

v.

PHILIP ASARO, et.al.

* * * * *

U.S. DISTRICT COURT
DISTRICT OF MASS

CRIMINAL COMPLAINT

Case No: 04 1685 CBS

**DEFENDANT'S FIRST MOTION FOR
MODIFICATION OF BAIL CONDITIONS
(ASSENTED TO)**

The defendant, Phillip Asaro, in the above-captioned cause respectfully moves that the court modify the terms and conditions of his current bail provisions.

And as reasons therefore, the defendant represents to the court that:

(01) On May 11, 2004, the defendant was released on bail pursuant to an **Order Setting Conditions of Release** (Swartwood, USMJ) that included a prohibition (par. "i") as to "travel outside of Massachusetts."

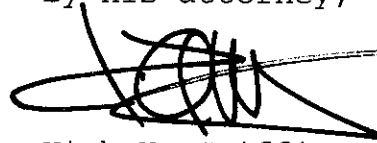
(02) The defendant operates Patriot Paving & Construction with offices at 77 Alexander Road, Billerica, MA 01821. The potential customer base for his services includes southern New Hampshire and southern Maine.

(03) To enable the defendant to conduct that business most effectively, it will on occasion be necessary for him to travel to both New Hampshire and Maine. Accordingly, he requests that the conditions of release as to geographical restrictions be amended for that limited purpose.

(04) Undersigned counsel is authorized to report that the attorney for the government, AUSA Robert L. Peabody, has no objection to the requested modification.

WHEREFORE, the defendant moves that the conditions of his bail be modified to permit travel to New Hampshire and/or Maine for the purposes of securing and performing paving work.

PHILIP ASARO
By his attorney,

A handwritten signature in black ink, appearing to read 'Kirk Y. Griffin', is written over a horizontal line.

Kirk Y. Griffin
50 Staniford Street
Boston, MA 02114

DATED: June 8, 2004

617.367.0966

ASSENTED TO:

Robert L. Peabody, ES

AUSA Robert L. Peabody
Office of the United States Attorney
U.S. Courthouse (Suite 9200)
1 Courthouse Way
Boston, MA 02110

617.748.3240

CERTIFICATE OF SERVICE

I, Kirk Y. Griffin, do hereby certify that on June 8, 2004, I caused to be delivered by postage pre-paid first-class mail a copy of the within pleading to a counsel of record for the United States:

AUSA Robert L. Peabody
Office of the United States Attorney
U.S. Courthouse (Suite 9200)
1 Courthouse Way
Boston, MA 02210

Kirk Y. Griffin
Kirk Y. Griffin